

EX PARTE OR LATE FILED

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of Sections)
of the Cable Television Consumer)
Protection and Competition Act)
of 1992; Rate Regulation)

MM Docket 92-266

TO: The Commission - Mail Stop 1170

EX PARTE STATEMENT OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association ("CBA") hereby submits this ex parte statement in the above-captioned proceeding, pursuant to Section 73.1206(a)(1) of the Commission's Rules. CBA is the national trade association for the low power television (LPTV) industry and represents the interests of LPTV in regulatory and other forums.

2. On June 21, 1993, CBA filed a petition for reconsideration of the rules adopted in this proceeding regulating leased cable channel access rates. CBA also filed a statement in support of a petition for reconsideration by Engle Broadcasting on March 10, 1995. CBA noted in its previous filings that the leased channel access rules do not ensure access at affordable rates, even though the purpose of leased access is to promote competition in the delivery of diverse programming sources; and the rules as they now stand run counter to the express Congressional finding in the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act") that "cable operators should be encouraged to carry low power television stations licensed to communities served by those systems

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where the low power station creates and broadcasts, as a substantial part of its programming day, local programming."

3. By way of example, at ex parte meetings on February 16 and 17, 1995,^{1/} CBA noted that one cable operator had demanded \$218,000 per month in response to a request for leased access by an LPTV operator that does not have must-carry rights.

4. That same operator has now quoted a rate of \$47,325 per month -- well over a half million dollars a year -- to lease a channel for only five to seven hours a day, on systems covering only part of the Miami market, to the licensee of LPTV Station W41BF, Miami, Florida. This quote again underscores the unrealistic nature of the Commission's present leased access rules and makes it clear that reform is urgently required. The rules as they now stand result in prices that virtually no LPTV operator can afford to pay, leaving the Congressional purpose of encouraging cable carriage of LPTV stations unfulfilled, and leaving substantial portions of the public unable to enjoy the service provided by LPTV stations.^{2/}

5. CBA again urges the Commission to act on reconsideration of the leased access rules promptly and to establish a system that results in realistically affordable rates and a working system that

^{1/} A written report of these meetings was submitted for the record on February 22, 1995.

^{2/} Because new television sets today are manufactured with only one antenna input -- a 75-ohm cable connection -- a cable subscriber cannot view an over-the-air station without physically disconnecting the cable and substituting an antenna, or by using an A/B switch that cable operators are no longer required to provide.

can actually be used by entities wishing to provide programming to cable subscribers.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Peter Tannenwald', written over a horizontal line.

Peter Tannenwald

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June 19, 1995

WJAN.XLS

WJAN-41
6pm-mid.South Dade

		Rate	Hours	Days	Weekly Sum
M-F	6 am - 8 am (3)	14.81	0	5	0.00
M-F	8 am - 3 pm (7)	31.03	0	5	0.00
M-F	3 pm - 7 pm (4)	39.49	2	5	394.90
M-Sun	7 pm - 10 pm (3)	65.82	3	7	1382.22
M-Sun	10 pm to Mid (2)	35.26	2	7	493.64
M-Sun	Mid - 6 am (8)	7.05	0	7	0.00
Sat/Sun	6 am - Noon (6)	24.88	0	2	0.00
Sat/Sun	Noon - 7 pm (7)	31.74	2	2	126.98
Total/week					2397.72

(x) 52 weeks / 12 months:

10390.12

WJAN-41
8pm-11pmMiami

		Rate	Hours	Days	Weekly Sum
M-F	6 am - 8 am (3)	15.74	0	5	0.00
M-F	8 am - 3 pm (7)	32.98	0	5	0.00
M-F	3 pm - 7 pm (4)	41.98	2	5	419.80
M-Sun	7 pm - 10 pm (3)	69.96	3	7	1489.16
M-Sun	10 pm to Mid (2)	37.48	2	7	524.72
M-Sun	Mid - 6 am (8)	7.50	0	7	0.00
Sat/Sun	6 am - Noon (6)	26.24	0	2	0.00
Sat/Sun	Noon - 7 pm (7)	33.73	2	2	134.92
Total/week					2548.60

(x) 52 weeks / 12 months:

11043.93

WJAN-41
8pm-11pmNorth Dade

		Rate	Hours	Days	Weekly Sum
M-F	6 am - 8 am (3)	23.32	0	5	0.00
M-F	8 am - 3 pm (7)	48.85	0	5	0.00
M-F	3 pm - 7 pm (4)	62.18	2	5	621.80
M-Sun	7 pm - 10 pm (3)	103.63	3	7	2176.23
M-Sun	10 pm to Mid (2)	56.51	2	7	777.14
M-Sun	Mid - 6 am (8)	11.10	0	7	0.00
Sat/Sun	6 am - Noon (6)	38.86	0	2	0.00
Sat/Sun	Noon - 7 pm (7)	49.96	2	2	199.84
Total/week					3775.01

(x) 52 weeks / 12 months:

18358.38

WJAN.XLS

WJAN-41
6pm-11pmBroward

		<u>Rate</u>	<u>Hours</u>	<u>Days</u>	<u>Weekly Sum</u>
M-F	6 am - 8 am (3)	6.69	0	5	0.00
M-F	8 am - 3 pm (7)	14.02	0	5	0.00
M-F	3 pm - 7 pm (4)	17.85	2	5	178.50
M-Sun	7 pm - 10 pm (3)	29.74	3	7	624.54
M-Sun	10 pm to Mid (2)	15.93	2	7	223.02
M-Sun	Mid - 6 am (8)	3.19	0	7	0.00
Sat/Sun	6 am - Noon (6)	11.15	0	2	0.00
Sat/Sun	Noon - 7 pm (7)	14.34	2	2	57.36
Total/week					1083.42

(x) 52 weeks / 12 months:

4694.82

WJAN-41
6pm-11pmHollywood

		<u>Rate</u>	<u>Hours</u>	<u>Days</u>	<u>Weekly Sum</u>
M-F	6 am - 8 am (3)	6.80	0	5	0.00
M-F	8 am - 3 pm (7)	14.45	0	5	0.00
M-F	3 pm - 7 pm (4)	18.39	2	5	183.90
M-Sun	7 pm - 10 pm (3)	30.65	3	7	643.65
M-Sun	10 pm to Mid (2)	16.42	2	7	229.88
M-Sun	Mid - 6 am (8)	3.28	0	7	0.00
Sat/Sun	6 am - Noon (6)	11.49	0	2	0.00
Sat/Sun	Noon - 7 pm (7)	14.78	2	2	59.12
Total/week					1118.55

(x) 52 weeks / 12 months:

4838.38

Total all systems

47325.83

CERTIFICATE OF SERVICE

I, Laura A. Campbell, do hereby certify that I have, this 19th day of June, 1995, caused a copy of the foregoing "Ex Parte Statement of the Community Broadcasters Association" to be hand delivered to the following members of the Commission's Staff:

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Laura Ann Campbell